



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: October 30, 2012

SUBJECT: **BZA Case 18433** - for special exception relief in accordance with § 205 to increase the allowable children and staff in a children child development center at 4628 H Street SE

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** for the requested child care center enrollment increase in accordance with § 205 subject to the following conditions modified from the previous Board of Zoning Adjustment (BZA) order (**bold** text would be added and ~~stricken text~~ deleted):

1. This approval shall be ~~three (3)~~ **ten (10)** years from the date of issuance of this order.
2. ~~The maximum number of children enrolled at the child development center~~ **Enrollment** shall not exceed ~~15~~ **30 children from 2 months to 6 years of age** and the maximum number of ~~teachers and staff at the center~~ shall not exceed 5 8.
3. **The center shall operate for 23-hours a day, Monday through Friday (8:00 AM to 7:00 AM).**
- ~~3.~~ **4. Most children shall be** ~~The hours of dropped-off shall between 7 8:00 a.m. to and 10:00 a.m. and the hours of picked-up shall between 3:00 p.m. to and 6:00 p.m.~~ **Other drop-off and pick-up times shall be tailored to fit the needs of the families served.**
- ~~4.~~ **5. The staff shall help** ~~assist with the escorting of the children to and from the center~~ during drop-off and pickup.
- ~~5.~~ **6. Two parking spaces shall be provided onsite for teachers and staff.** ~~The Applicant shall prohibit~~ **Employees shall be prohibited** from parking on the street in front of, or adjacent to, the ~~child development~~ **the property where the center is located.**
- ~~6.~~ ~~At the end of the first year of operation, the Applicant shall provide transportation data and a report about the facility's daily experience of client and visitor drop-off and pick-ups to Advisory Neighborhood Commission 7E. The information shall be provided to the ANC annually thereafter and shall include the number of clients that are dropped off and picked up at the child development center.~~
- 7. Trash from the child development center shall be collected at least once weekly by a commercial contractor.**

These modifications from the current conditions reflect changes requested by the applicant, changes for clarification and the removal of a condition that has been satisfied.

II. LOCATION AND SITE DESCRIPTION:

Address:	4628 H Street SE
Legal Description:	Square 5359, Lot 0328



Ward:	7E
Lot Characteristics:	A rectangular interior lot 3,000 square feet (0.07 acre) in size that gently slopes down toward a retaining wall along the rear property boundary. The property faces the 46 th Street intersection with H Street. Beyond the retaining wall is a ravine that runs perpendicular to the site. An east-west building restriction line traverses the front yard a distance of 15 feet back from the H Street. Sidewalks extend along both sides of the street which also serves two Washington Metropolitan Transit Authority (WMATA) bus routes (refer to Figure 2).
Zoning:	R-2 – child development centers are allowed subject to special exception approval.
Existing Development:	The existing semi-detached building was constructed in 1998 as a one-family dwelling. No residential use remains on the property. Currently there is a driveway and storage building in the western side yard; ramps extend from the front door into the driveway and front yard; and both the front and rear yards are surrounded by fences.
Historic District:	None
Adjacent Properties:	Similar two-story detached dwellings with front driveways.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Victoria Manley, owner of record.
Proposal:	<p>To increase the allowable enrollment at the existing child development center on the subject property from 15 to 30 children, and the allowable teachers and staff from 5 to 8 persons. The hours of operations would also be extended to 23 hours a day.</p> <p>BZA Application No. 17867 was previously approved for the same applicant in 2009. It allowed a maximum 15 children and 5 staff on the subject property for 3 years. Certificate of Occupancy No. CO1101789 indicates that the center was established onsite in April 2011. The previous BZA approval expired on July 31, 2012.</p> <p>Under this proposal the child development center would continue to occupy the entire building. No changes to the existing structures or grounds are planned.</p> <p>Since the previous application, a continuous concrete sidewalk has been poured along the square frontage in front of the site. Previously sidewalks only extended along the opposite side of H Street. An accessory storage building has been placed in side yard and outdoor recreation equipment has been erected in the rear yard.</p>
Relief Sought:	§205 – special exception relief to increase the current child care center enrollment, teachers and staff.

III. OP ANALYSIS

205 CHILD / ELDERLY DEVELOPMENT CENTERS ... (R-1)

205.1 *Use as a child/elderly development center or adult day treatment facility shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

The R-2 district allows a child development center subject to BZA approval in accordance with this section and the following standards and requirements.

205.2 *The center or facility shall be capable of meeting all applicable code and licensing requirements.*

The existing children development center was approved for 15 children. The proposed “Manley Science and Technology Center” would serve up to 30 children. The applicant explained that ages of the children served would be 2 months to 6 years. The actual licensed number of children onsite would be determined by the Child and Residential Child Care Facilities Division of the DC Office of the State Superintendent of Education (OSSE) based on a formal application submitted *after* BZA approval. To date OSSE has provided no comments on this application.

205.3 *The center or facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance.*

Traffic engineers O.R. George & Associates prepared an assessment for the previous application of the potential traffic impacts of a child care center with 25 children on the subject property. The consultants found that:

- Traffic usage on the roadway section next the subject property would be quite low and vehicles speeds low due to traffic calming measures taken by the District;
- Trip generation would be low due to center patronage being from the local neighborhood with significant walk and transit trips.
- The on-street parking supply would be adequate to meet the needs of the proposed center.

The study assumed drop-off and pick-ups would be dispersed over three-hour periods between 7:00 and 10:00 AM and 3:00 and 6:00 PM, with vehicular activity during any one hour period ranging between 4-5 vehicles. Drop-off and pick-up activities associated with the described center were deemed unlikely to create adverse traffic conditions.

In light of this study, the District Department of Transportation (DDOT) expressed support for BZA Application No. 17867 on the condition that center employees would be prohibited from parking in front of or adjacent to the site.

There is no indication that the existing child development center has negatively impacted traffic conditions along this frontage of H Street. The applicant stated that children added to the enrollment would come from the neighborhood, and that morning arrivals and afternoon departures would generally be by foot or by transit.

Figure 1



The current proposal would narrow the drop-off window used in the traffic study from 3 to 2 hours and increase the center operations to 23 hours a day.

DDOT indicated in a memorandum to the Board dated October 18, 2012, that it did not foresee that the additional vehicular, transit, pedestrian and bicycle trips generated by this proposal would impact travel conditions on the street network. In light of these finding, OP supports:

- increasing the maximum center from 15 to 30; and
- continuing the previous approval condition prohibiting employee parking in front of or adjacent to the site.

205.4 *The center or facility shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.*

The proposed maximum of 8 teachers and staff would require 2 parking spaces under the § 2101.1 standard of 1 space per 4 employees. The existing driveway is sufficient to accommodate two vehicles, equal to the requirement. The above-referenced assessment identified sufficient capacity along H Street to accommodate drop-off and pick-up activities associated with a center serving at least 25 children. The addition of continuous concrete sidewalks along both sides of the H Street makes it easier for escort children between the center and waiting vehicles during drop-off and pick-up.

205.5 *The center or facility, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions.*

A fenced play area with play equipment is provided in the rear yard. This area is screened from H Street by the existing building and there is no indication that noise currently generated onsite has been objectionable to the neighbors.

205.6 *The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties.*

No special treatment is recommended.

205.7 *Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at center or facility in traveling between the play area and the center or facility itself.*

The applicant indicates that the onsite play area would be sufficient.

205.8 *The Board may approve more than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day*

Figure 2



treatment facility only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

The First Rock Baptist Church Child Development Center, located in The Joseph W. King Senior at 4638 H Street, is within 1,000 feet. The 2006 Certificate of Occupancy indicated that the center is authorized for 118 children from 6 months to 12 years. There is no indication the proximity of these two centers has created any adverse impacts.

- 205.9 *Before taking final action on an application for use as a child/elderly development center or adult day treatment facility, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports.*

To date no agency comments have been received.

- 205.10 *The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center or facility can meet all licensing requirements set forth in the applicable laws of the District of Columbia.*

Based on this analysis, this application generally meets the standards for special exception approval.

IV. COMMUNITY COMMENTS

Letters of support with the application are from property owners residing at 4618 and 4632 H Street SE, the applicant's faculty advisor at the University of the District of Columbia, a Ward 1 Small Business Projects Coordinator and several client parents.

During a meeting on October 9, 2012, Advisory Neighborhood Commission (ANC) 7E voted to (recommend) approval of this request.